



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/706,644

Confirmation No. 7026

Applicant : Shuibo Xie, et al.

Filed : November 12, 2003

TC/A.U. :

Docket No. : 1856-36301 (9782.0-02)

Customer No.:

For: Novel Syngas Catalysts And Their Method Of Use

PETITION TO ACCORD FILING DATE

Date: May 27, 2004

Mail Stop PETITION

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants respectfully submit that the PTO has improperly failed to grant the present 1856-36301 (9782.0-02) application a Filing Date and therefore hereby petition the Office to accord the above application a filing date. In support of their petition, Applicants assert the following:

On November 12, 2003, Applicants filed a utility application (assigned serial number 10/706,644 and hereinafter referred to as the '644 Application') and associated papers in the PTO. On April 9, 2004, and again on May 14, 2004, the PTO issued a *Notice of Incomplete Nonprovisional Application* ("Notice"). A copy of the Notice is attached as Exhibit 1. The Notice states that drawings appear to have been omitted from the '644 Application.

In fact, drawings were submitted with the original application, as evidenced by the acknowledgment postcard date-stamped November 12, 2003 by the U.S. PTO Mail Room (Exhibit 2). Because drawings were properly submitted, the '644 Application is entitled to a filing date of November 12, 2003 and Applicants request that a Filing date be so granted. For the Examiner's convenience, Applicant also re-submits herewith Figures 1-3 of the specification.

Additionally, Applicants submits a supplemental oath (Exhibit 3) and the \$130.00 petition fee per 37 CFR 1.17(h). However, because the denial of a Filing was due to PTO error and because Applicants are entitled to a filing date, Applicant hereby requests a refund of the petition fee.

Respectfully submitted,

Date: May 27, 2004


Jeffrey L. Johnson

Reg. No. 53,078

Conley Rose, P.C.

P.O. Box 3267

Houston, Texas 77253-3267

Tel. (713) 238-8000

ATTORNEY FOR APPLICANT

06/02/2004 CCHAU1 00000042 032769 10706644

01 FC:1460 130.00 DA